

REMARKS

Claims 1-4 and 7-28 are pending in the application.

It is noted that Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The Examiner objects to claim 1 for an informality. Applicant believes the above claim amendments appropriately address the Examiner's concern and respectfully requests that the Examiner reconsider and withdraw this objection.

Claim 23 stands rejected under 25 U.S.C. §112, second paragraph, as indefinite.

Claims 1-4, 7, 9-14, and 17-28 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 7,003,315 to Kiyomoto et al., further in view of U.S. Patent No. Publication 2004/0192224 to Arimitsu. Claims 6 and 15 stand rejected under 35 U.S.C. §103(a) as unpatentable over Kiyomoto/Arimitsu, further in view of U.S. Patent No. 6,363,246 to Williams.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

The invention as recited in independent claim 1, for example, is directed to a wireless communication terminal including an operating unit, reception field level detecting means for detecting a threshold field level of the received radio wave, a control unit for controlling the terminal, a storage unit, a plurality of wireless communication units each matching a different communication system, and switch-over means for switching over from one to another of the wireless communication units. The terminal selects one of the communication systems on the basis of the reception of the threshold field level of a first communication system that is currently selected and that of another second communication system. (Application at page 2, lines 5-15).

This structure is important because by detecting reception field levels only when a threshold is reached, battery consumption will be decreased and switchover will be faster due to immediate detection of the threshold (Application at page 12, line 25-page 13, line 1).

In a conventional dual mode wireless communication terminal, as described in the

Background of the present Application, the terminal periodically detects the reception field level of another communication system, and determines whether or not to switch over from one communication system to another on the basis of the detected level. Accordingly switch over may be delayed and battery power consumed unnecessarily (Application at page 1, lines 11-25).

In contrast, an exemplary aspect of the claimed invention may switch from one wireless unit to another wireless unit on the basis of the reception field level that is currently selected (Application at page 2, lines 5-15).

None of the applied references discloses or suggests this invention in combination with the features additionally described in the independent claims.

II. THE INDEFINITENESS REJECTION

Relative to claim 23, the Examiner alleges that the “prescribed operation” is not clearly described in the specification. In response, Applicant respectfully directs the Examiner’s attention to the description at lines 9-13 on page 7 that clearly describes exemplary “prescribed operations.” Moreover, dependent claims 17 and 19 provide two specific examples of possible “prescribed operations” in the context of the language of claim 23.

In view of the above, the Examiner is respectfully requested to reconsider and withdraw this rejection for claim 23.

III. THE PRIOR ART REJECTIONS

In rejecting claims 1-4, 7, 9-14, and 17-28 as allegedly unpatentable over Kiyomoto, as modified by Arimitsu, the Examiner seems oblivious to how specific the final claim limitations of the three independent claims really are.

That is, relative to independent claim 1, the plain meaning of these limitations clearly describes a notice signal being issued: 1) When the second communication system has priority; 2) Communication with the second system is possible; and 3) The first system is currently selected.

This very narrow combination is not demonstrated by Kiyomoto, even if modified by

Arimitsu. Moreover, Applicant submits that one of ordinary skill would not even have a reason to modify primary reference Kiyomoto to achieve the effect described by these three conditions.

First, in the method of Kiyomoto, the system automatically makes the selection, based upon priority and reception strength. Thus, there is no need in Kiyomoto to issue a notice signal for these three conditions, since the selection occurs automatically.

Second, the rejection of record fails to provide a reasonable rationale to make the modification that would satisfy these three conditions, since the reasoning in the rejection is merely a circular argument that merely makes the conclusory statement that one would make a modification for purpose of having made the modification. This circular argument is clear indication of improper hindsight.

Third, Applicant respectfully brings to the Examiner's attention that secondary reference Arimitsu does not overcome the deficiencies of primary reference Kiyomoto, contrary to the Examiner's characterization.

That is, the description in Arimitsu merely relates to notification of the search results of which network system has the highest priority/signal reception. This determination by itself does not satisfy the plain meaning of the three conditions listed in independent claim 1. That is, the plain meaning of the claim language requires that the notice signal be issued when: 1) a first system is already selected; 2) a second system has higher priority; and 3) communication with the second system is now possible.

The mere identification in Arimitsu of which system has highest priority/highest reception does not satisfy these three conditions.

Therefore, even if Arimitsu were to be combined with Kiyomoto, the combination would not provide the result described by independent claim 1. Tertiary reference Williams does not overcome this fundamental deficiency of Kiyomoto/Arimitsu. Indeed, relative to claims 8 and 15, wherein the Examiner relies upon Williams as demonstrating light emitting diodes for indicating which system is currently active, Applicant brings to the Examiner's attention that merely indicating the active system also fails to satisfy the plain meaning of the three conditions listed in independent claim 1. Therefore, not only does tertiary reference Williams fail to overcome the fundamental deficiency of Kiyomoto/Arimitsu, but it also fails to satisfy the requirement defined by these two dependent claims.

Hence, turning to the clear language of the claims, in Kiyomoto, even if modified by

Arimitsu and/or Williams, there is no teaching or suggestion of: "... the terminal selects one of the communication systems on a basis of the reception of the threshold field level of a first communication system that is currently selected and of a field level of another second communication system, and the terminal issues a notice signal when the second communication system has priority and communication with the second communication system is possible", as required by independent claim 1.

Therefore, claims 1-4, and 7-19 are clearly patentable over Kiyomoto.

Relative to the rejection for independent claim 20, the claim provides a specific sequence wherein 1) the first system must first drop below a prescribed threshold; 2) the reception level of the second system is then detected; 3) the second system is selected if the reception of the first system drops below a second, even lower threshold; and 4) communication with the second system is possible.

The rejection of record makes no attempt to demonstrate these four conditions in Kiyomoto and, therefore, fails to establish a prima facie rejection based on this primary reference. If the Examiner wishes to maintain this rejection, Applicant respectfully requests that the Examiner point out specific line and column locations for each of the specific conditions listed in claim 20.

Therefore, claims 20-22 are clearly patentable over Kiyomoto.

Relative to the rejection for independent claim 23, wherein the Examiner attempts to rely upon selection of the system in accordance with a priority listing, Applicant respectfully submits that such automatic selection fails to satisfy the plain meaning of the claim language of this claim, since the "prescribed operation" is an event that is involved in the automatic selection. The rejection improperly attempts to define the automatic selection as being the "prescribed operation."

Therefore, claims 23-28 are also clearly patentable over Kiyomoto.

Therefore, Applicant submits that all pending claims are allowable over the prior art of record and respectfully requests that the Examiner reconsider and withdraw these rejections.

IV. CONCLUSION

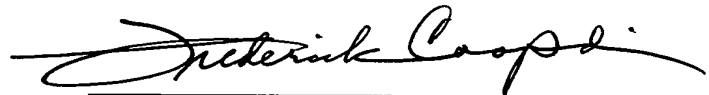
In view of the foregoing, Applicant submits that claims 1-4 and 7-28, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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